53.   The process as claimed in claim 50, further comprising the step of resetting the dynamic time window of the medical episode when a second at least one of a plurality of data records matches an open medical episode, the dynamic time window being reset for an additional period of time until no other data records are grouped to the open medical episode within the reset dynamic time window.

54.   The process as claimed in claim 53, wherein the step of resetting the dynamic time window of the medical episode, further comprises the step of selecting a most recent claim record if more than one matched claim record exists.

55.   The process as claimed in claim 50, further comprising the step of identifying medical providers treating episodes treatment groups by identifying each episode treatment group by Primary Care Physician.

REMARKS

A.   Amendment To Drawings & Specification

In accordance with 37 C.F.R. 1.121, the following remarks are submitted in support of this amendment. Specifically, Applicants have amended the patent specification, claims and drawing figure 12.

There are a number of amendments made to the specification which are editorial in nature. Accordingly, no support need to be given for such amendments. One editorial amendment in particular is an amendment on page 66 of the original application which consists of moving lines 12–19 of page 66 to page 65, between lines 13 and 14. This editorial amendment prompted the modification to the flow of information illustrated in revised figure 12.

There are also editorial amendments to the specification wherein information disclosed in the source code portion of the specification is again recited in the non-microfiche text portion of the specification. Applicant refers the Examiner to page 1 of the application which references the source code filed along with this application as a microfiche appendix.

In an effort to add clarity to the Application, Applicant has submitted a substitute specification which includes the above referenced amendments to the specification. The substitute specification is also accompanied by a statement that it contains no new matter.

B.   Amendment To Claims & Declaration of Interference

New claims 38–55 have been copied from U.S. Patent No. 5,835,897 (hereinafter referred to as "the '897 patent") for the purpose of provoking an interference with the patent. The present application has a priority filing date of June 23, 1994. Accordingly, Applicant is the senior party in accordance with 37 C.F.R. § 1.601(m), and prima facie entitled to judgement of priority with respect to the effective filing date of U.S. Patent No. 5,835,897 and thereby entitled to a judgement relative to the patentee.

In accordance with 37 CFR § 1.608, the following is an application of the terms of the copied claims to the specification of the present application, which has been submitted in revised form concurrent herewith.

NEW CLAIMS	*APPLICATION DISCLOSURE*
38. (Patent claim 1) A computer–implemented process for processing medical claims including the steps of:	Page 1 lines 10–12, Page 24 lines 27–28, Page 39 lines 25–33.
(a) reading a medical claim data, input as at least one of a plurality of data records, into a computer memory;	Page 26, lines 1–18, & 28–31, Page 27, lines 1–17, FIGs. 1, 6 & 10
(b) validating each of the at least one of a plurality of data records for at least one of a diagnosis code and a treatment code;	Page 27 lines 18–32, Page 28 lines 1–10
(c) reading at least one pre–defined relationship between the at least one of a diagnosis code and a treatment code in the validated at least one of a plurality of data records and pre–defined episode treatment categories; and	Page 10, lines 8–33, Page 11, Page 28, lines 11–16, Page 30, lines 8–30, FIGs. 9 & 12
(d) grouping the validated at least one of a plurality of data records to an episode treatment category based upon the pre–defined relationship, each episode treatment category having a dynamic time window defining a time period during which validated at least one of plurality of data records may be grouped to an episode treatment category.	Page 14, lines 1–18, Page 30, lines 35–36, Page 31, lines 1–25, FIG 12.
39. (Patent Claim 2) The process as claimed in claim 38 wherein the step (e) further includes the step of assigning treatment and cost information to the episode treatment category.	Page 34 lines 18–33.
40. (Patent Claim 3) The process as claimed in claim 38 wherein the step (e) further includes the step of classifying the patient records into at least one of a	Page 14, lines 1–18, Page 30, lines 35–36, Page 31, lines 1–25, FIG 12.

NEW CLAIMS	APPLICATION DISCLOSURE
plurality of episode treatment groups each of the plurality of episode treatment groups being defined by an episode treatment category.	
41. (Patent Claim 4) The process as claimed in claim 40 wherein the episode treatment groups further comprise clinically homogeneous groupings with respect to the underlying cause of illness and treatment requirement.	Page 28 line 18 – Page 30, line 4.
42. (Patent Claim 5) The process as claimed in claim 40 wherein an active and open episode treatment group comprises an episode treatment group number, sequential episode number, and most recent anchor date of treatment.	Inherent pages at 30–31. An episode treatment group number is the same as an interrelated index code. Because episodes are in date order, and for a specific patient, it is inherent that sequential episode number could be tracked. Anchor records represent service by a clinician engaging in the direct evaluation, management or treatment of a patient. The present application tracks the date of such records inherently because these are the only type of records that can begin an episode of care.
43. (Patent Claim 14) The process as claimed in claim 38 wherein step (d) further comprises the step of gathering data from in–patient, ambulatory and ancillary claims for each patient.	Page 26, lines 1–18, & 28–31, Page 27, lines 1–17. The HCFA 1500 gives rise to ambulatory and ancillary claims. The UB 82 & UB 92 refer to the in–patient claims.
44. (Patent Claim 15) The process as claimed in claim 38 wherein step (d) further comprises the step of gathering relevant information during the treatment episode, regardless of treatment duration, including provider data, CPT code data and diagnosis code data.	Page 35 line 7 – Page 39 line 23.
45. (Patent Claim 16) The process as claimed in claim 38 further comprising the step of outputting and discontinuing processing of invalid data records and comparing diagnosis and treatment code data.	Page 27, line 22–27, Page 11, lines 13–16, Page 35 line 7 – Page 39 line 23.
46. (Patent Claim 19) The process as claimed in claim 38 further comprising the step of flagging valid claim records with a diagnosis code.	Page 10 lines 8–12, Page 27, line 22–27.
47. (Patent Claim 21) The process as claimed in claim 38 further comprising the	Page 31, lines 1–12, Page 30 lines 35–36.

NEW CLAIMS	APPLICATION DISCLOSURE
step of resetting the predefined time window of the medical episode when a second at least one of a plurality of data records matches an open medical episode the predefined time window being reset for an additional period of time until no other data records are grouped to the open medical episode within the reset predetermined time windows.	
48. (Patent Claim 22) The process as claimed in claim 47, wherein step of resetting the predefined time window of the medical episode further comprises the step of selecting a most recent claim record if more than one matched claim record exists.	Page 31, lines 1−12. This step is inherent in the process of comparing the record immediately preceding it, because if two matches occur, and one is most recent, the two records will be compared against each other and thereby extends the window based on the match and comparison of those two records. Also, if more than one matched claim exists, the time window is inherently reset off the most recent of the matched time records.
49. (Patent Claim 26) The process as claimed in claim 38, further comprising the step of identifying medical care providers treating a patient in similar episode treatment categories by Primary Care Physician.	Page 35 line 7 − Page 39 line 23.
50. (Patent Claim 33) A computer−implemented process for processing medical claims including the steps of:	Page 1 lines 10−12, Page 24 lines 27−28, Page 39 lines 25−33.
(a) reading a first patient's medical claim data, input as at least one of a plurality of data records, into a computer memory;	Page 26, lines 1−18, & 28−31, Page 27, lines 1−17, FIGs. 1, 6 & 10
(b) validating each of the at least one of a plurality of data records for at least one of a diagnosis code and a treatment code;	Page 27 lines 18−32, Page 28 lines 1−10
(c) reading at least one pre−defined relation between the at least one of a diagnosis code and a treatment code in the validated at least one of a plurality of data records and pre−defined medical episodes; and	Page 10, lines 8−33, Page 11, Page 28, lines 11−16, Page 30, lines 8−30, FIGs. 9 & 12
(d) grouping the validated at least one of a plurality of data records to at least one of a plurality of episode treatment groups further comprising an episode treatment group identifier, a most recent anchor from date of treatment and a most recent	Page 14, lines 1−18, Page 30, lines 16−18 & lines 35−36, Page 31, lines 1−25, FIG 12. Anchor records represent service by a clinician engaging in the direct evaluation, management or treatment of a patient. All episodes of care have "Anchor" records,

NEW CLAIMS	APPLICATION DISCLOSURE
sequential anchor record count.	because they are required to begin and reset time windows. Also, the anchor record count is inherent in the system by virtue the system tracking each anchor record.
51. (Patent Claim 38) The process as claimed in claim 50, further comprising the step of outputting and discontinuing processing of invalid data records and comparing diagnosis and treatment code data.	Page 27, line 22–27, Page 35 line 7 – Page 39 line 23.
52. (Patent Claim 41) The process as claimed in claim 50, further comprising the step of flagging valid claim records with a diagnosis code identifier.	Page 10 lines 8–12, Page 27, line 22–27.
53. (Patent Claim 43) The process as claimed in claim 50, further comprising the step of resetting the dynamic time window of the medical episode when a second at least one of a plurality of data records matches an open medical episode, the dynamic time window being reset for an additional period of time until no other data records are grouped to the open medical episode within the reset dynamic time window.	Page 31, lines 1–12.
54. (Patent Claim 44) The process as claimed in claim 53, wherein the step of resetting the dynamic time window of the medical episode, further comprises the step of selecting a most recent claim record if more than one matched claim record exists.	Page 31, lines 1–12. This step is inherent in the process of comparing the record immediately preceding it, because if two matches occur, and one is most recent, the two records will be compared against each other and thereby extend the window based on the match and comparison of those two records.
55. (Patent Claim 48) The process as claimed in claim 50, further comprising the step of identifying medical providers treating episodes treatment groups by identifying each episode treatment group by Primary Care Physician.	Page 35 line 7 – Page 39 line 23.

18

Applicant's Prima Facie Case of Priority

In accordance with 37 C.F.R. Sec. 1.608(a), Applicant Attorney of record, undersigned below, respectfully submits that there is a basis upon which the Applicant is entitled to judgement relative to the patentee. U.S. Patent No. 5,835,897 has a filing date of June 22, 1995. This application is a continuation patent application of United States Patent Application Serial No. 08/539,413, which was filed on October 5, 1995. The present application claims priority to United States Patent Application Serial No. 08/539,413. United States Patent Application Serial No. 08/539,413 is a divisional patent application of United States Patent Application Serial No. 08/244,795, which was filed on June 23, 1994. United States Patent Application Serial No. 08/539,413 claims priority to United States Patent Application Serial No. 08/244,795. Because the present application claims priority to United States Patent Application Serial Nos. 08/244,795 and 08/539,413, it has a priority filing date of June 23, 1994. Accordingly, Applicant is the senior party and thereby entitled to judgement relative to the patentee.

Proposed Count

Applicant proposes the following count for a Declaration of Interference between the present Application and U.S. Patent No. 5,835,897:

COUNT

A computer–implemented process for processing medical claims including the steps of:

(a)   reading a medical claim data, input as at least one of a plurality of data records, into a computer memory;

(b)   validating each of the at least one of a plurality of data records for at least one of a diagnosis code and a treatment code;

(c)   reading at least one pre–defined relationship between the at least one of a diagnosis code and a treatment code in the validated at least one of a plurality of data records and pre–defined episode treatment categories; and

(d)   grouping the validated at least one of a plurality of data records to an episode treatment category based upon the pre–defined relationship, each episode treatment category having a dynamic time window defining a time period during which validated at least one of plurality of data records may be grouped to an episode treatment category.

The above count corresponds exactly to claim 38 of this Application and claim 1 of the '897 patent. The Applicant proposes that claims 38–55 of this application and claims 1–5, 14–

16, 19, 21, 22, 26, 33, 38, 41, 43, 44 and 48 of the '897 patent be designated as corresponding to the count.

CONCLUSION

As shown above and in the supporting affidavits and documentary evidence, the Applicant is *prima facie* entitled to priority of the invention of the claims of the '897 patent. Therefore, the Applicant respectfully requests that an interference be declared with claims 38–55 of this application and claims 1–5, 14–16, 19, 21, 22, 26, 33, 38, 41, 43, 44 and 48 of the '897 patent be designated as corresponding to the above proposed count. Please charge fees for the extra claims to Deposit Account No. 13–2725. Any questions concerning this matter may be directed to the undersigned at 612–371–5219.

Respectfully submitted,

Merchant & Gould P.C.
3100 Norwest Center
90 South Seventh Street
Minneapolis, MN 55402
(612) 332–5300

Dated: November 10, 1999

Alan G. Gorman
Reg. No. 38,472
AGG:cmf